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10/697,157

10/31/2003

Kazuki Emori

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EXAMINER

LIM, SENG HENG

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAZUKI EMORI

Appeal 2009-014259
Application 10/697,157
Technology Center 3700

Before: JOHN C. KERINS, STEVEN D.A. McCARTHY, and WILLIAM
V. SAINDON, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1 and 3-6 under 35 U.S.C. § 103(a) as unpatentable over Sakamoto (JP 10-174738 A, pub. Jun. 30, 1998) and claim 2 under § 103(a) as unpatentable over Sakamoto and Corsetti (WO 98/05575, pub. Feb. 12, 1998)¹. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

Claim 1, reproduced below, is illustrative of the claimed subject matter.

1. A gaming machine comprising:
 - a cabinet having a front side;
 - a belly panel releasably connected to the cabinet and operable to move to a cover state where a portion of the front side of the cabinet is covered by the belly panel and an exposed state where the portion of the front side of the cabinet is uncovered when the belly panel is positioned away from the cabinet;
 - a symbol row display device configured to display a plurality of symbols for a player to arrange the symbols;
 - an operation input device comprising a lever or a button to be operated by the player to play a game;
 - an internal lottery device configured to carry out an internal lottery of the game with a random number;
 - an illumination device configured to illuminate a tray formed on the cabinet of the gaming machine;
 - a transparent member placement part attached to the portion of the front side of the cabinet; and
 - a transparent member detachably disposed between the illumination device and the tray,wherein, when the belly panel is in the exposed state, the transparent member placement part is operative to slidably receive the transparent member and, when the belly panel is in the cover state, the transparent member is slidably received by the transparent member

¹ The Examiner withdrew the rejection of claims 1 and 3-6 under 35 U.S.C. § 102(b) as anticipated by Sakamoto. Ans. 5.

placement part such that the transparent member is positioned between the belly panel and the portion of the front side of the cabinet thereby retaining the transparent member substantially immovable therebetween.

OPINION

Reviewing the Appeal Brief, Appellant does not explain how any of the Examiner's rejections are in error. With respect to independent claim 1, Appellant merely lists three features of the claim allegedly not taught or suggested by Sakamoto. Br. 9. Appellant argues that dependent claims 3-6 are allowable "for the reason claim 1 is allowable as well as for the features they recite" (Br. 11) but does not explain which features of the claims are not taught or why. With respect to separately rejected dependent claim 2, Appellant states, "Corsetti teaches a removable insert for coin trays" (Br. 12) but does not set forth which features of the claim are not taught or why. The Examiner, on the other hand, makes findings and provides analysis explaining the basis for each of the rejections. Ans. 3-10.

Statements that merely point out what a claim recites are not considered an argument for separate patentability of the claim. 37 C.F.R. § 41.37(c)(1)(vii); *see In re Lovin*, 652 F.3d 1349 (Fed. Cir. 2011) (Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and naked assertion that the corresponding elements were not found in the prior art). As such, we affirm the Examiner's decision regarding claims 1-6.

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Application 10/697,157

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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